IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Peer Ajhar Hussain Farookhi. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No.396/2004
against the order dated 18-8-2003 passed
by the Additional Chief Judicial Magistrate No.4,
Jodhpur in F.R. No.57/1996.

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Date of Order: July 06, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

No one appears for the petitioner.

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner has assailed the order dated 18-8-2003 passed by the Additional Chief Judicial Magistrate No.4, Jodhpur (for short, "the trial Court" hereinafter) in F.R. No.57/1996, whereby the trial Court declined to accept the application filed by the petitioner for sending the Final Report for re-investigation.

I have carefully gone through the impugned order.

The complainant came with the allegation that the

Will in question has been forged. The specimen signatures and the document Will were sent to State Forensic Science Laboratory during investigation by the investigating officer. No opinion was given by the FSL as to forging of the signatures thereon. A direction was issued to the police on 30-8-2001 by the trial Court to investigate the matter on certain points. The police complied with those directions of the trial Court and investigated the matter. Getting the complaint before the trial court for re-investigation, the trial Court, finding no ground again to send the matter for re-investigation, declined to accept the petitioner's request. In my view, the impugned order of the trial Court is perfectly in accordance with law, warranting no interference in the extraordinary jurisdiction of this Court under Section 482 Cr.P.C. It cannot be said that the impugned order will result in manifest injustice or abuse of process of any Court.

The miscellaneous petition has no merit and it is dismissed accordingly.

(H.R. PANWAR), J.

mcs